

Board of Chiropractic Examiners

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**BOARD POLICY & PROCEDURES**

TITLE: GUIDELINES FOR ACCESS TO PUBLIC RECORDS	POLICY: #05-06	DATE: 5/1/06
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DISTRIBUTE TO: ALL EMPLOYEES	EFFECTIVE: IMMEDIATELY	
	ORIGINAL APPROVED BY: CATHERINE A. HAYES, EXECUTIVE DIRECTOR BOARD OF CHIROPRACTIC EXAMINERS	

Policy	Every state agency is required under the Public Records Act (PRA) to establish written guidelines for the public to obtain access to public records. The attached guidelines comply with that requirement and the requirements under the PRA aid the member of the public in making a focused request by assisting in identifying the records and information that may be responsive to the request. A copy of the guidelines shall be posted in a conspicuous public place in your offices and shall be provided to any person, upon request, free of charge.
Applicability	This policy applies to all governmental officials and employees of the Board of Chiropractic Examiners (Board).
Purpose	The purpose of this policy is to establish Guidelines for Access to Public Records.
Authority	Government Code section 6253.4; Business and Professions Code sections 110 and 161
Revision	Determination of the need for revisions to the policy is the responsibility of the executive director. Questions about the status or maintenance of this policy should be directed to the Board's assistant executive director at (916) 263-5340. Questions about specific issues should be directed to the Board's staff counsel at (916) 263-5359.
Attachments	Board of Chiropractic Examiners Public Records Act (PRA) Guidelines.

**Board of Chiropractic Examiners
 Public Records Act (PRA) Guidelines
 (Government Code Section 6253.4)**

The California Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. The California Public Records Act, Government Code section 6250 *et seq.*, requires that public records be available to the public upon request. The Board has established the following guidelines to ensure that members of the public fully understand and are afforded the opportunity to exercise their right to inspect and obtain copies of public records.

Public records in the physical custody of the Board that are not exempt from disclosure will be made available for inspection or copying as follows:

1. Any person may review public records of the Board during weekdays and hours that the Board office is regularly open for business. Public records will be available for inspection only at the office where they are regularly and routinely maintained. The operational functions of the Board will not be suspended to permit inspection of records during periods in which such records are reasonably required by personnel in the performance of their duties. If the request requires review of numerous records, a mutually agreeable time should be established for the inspection of the records.
2. Requests for inspection or copying of public records:
 - a. may be made orally or in writing (including email);
 - b. if made orally, the requestor should be encouraged to place the request in writing or staff should confirm the request in writing by confirming letter;
 - c. should be addressed to, or directed to, the specific program within the Board that the requestor believes has physical custody of the records being sought.
3. Where a request is not specific and focused staff may assist the requester in making a focused and effective request that reasonably describes an identifiable record or records to the extent it is reasonable under the circumstances:
 - a. Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
 - b. Describe the information technology and physical location in which the records exist.
 - c. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
4. The requestor will be notified in ten (10) days whether the Board has disclosable public records. If the Board determines that it has disclosable records, the Board shall provide the requestor with an estimated date and time when the records will be made available. Where unusual circumstances exist as specified in Government Code section 6253(c), the Board may, by written notice to the requester, extend the time for response not to exceed fourteen (14) additional days.

5. If a request is made for a record that is stored in an electronic format, the Board will comply with the request in accordance with Government Code section 6253.9:
 - The Board shall make the information available in any electronic format in which it holds the information.
 - The Board shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the Board to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.
 - The requestor shall bear the cost of producing a copy of the record, including the cost to construct a record from existing data, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:
 - a. The Board would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.
 - b. Satisfying the request would require data compilation, extraction, or programming to produce the record.
6. The Board may refuse to disclose any records that are exempt from disclosure under the Public Records Act.
7. Functions of the Board will not be suspended to permit, and public records will not be made available for, inspection during periods in which such records are reasonably required by Board personnel in the performance of their duties. Special arrangements shall be made in advance for the inspection or copying of voluminous records.
8. Public records in the possession of the Board may be inspected only in the presence of Board personnel, except in those cases where the executive director or his or her designee, or the assistant executive director or his or her designee, determines otherwise. Physical inspection of such records will be permitted within the Board's office as determined by the executive director or assistant executive director.
9. The Board will provide copies of any requested public records not exempt from disclosure upon payment of the following fees authorized by Business and Professions Code section 161:
 - Requested public records will be produced at a charge of ten (10) cents per page plus the actual costs of the staff time for retrieving and duplicating the document(s) and postage (if necessary). The cost of staff time will be computed in accordance with the guidelines contained in Section 8740 of the State Administrative Manual. However, these fees may be waived if the costs of retrieval and duplication are less than the cost of processing the payment.

- Requests by an individual for copies of records pertaining to that individual (e.g., licensee files, corporate files, etc.) will be provided to that individual at a cost of ten (10) cents per page. In these cases, the cost of staff time for retrieving and duplicating the document(s) shall not be charged (Civil Code §1798.33). However, these fees may be waived if the costs of duplication are less than the cost of processing the payment.
 - Lists of licensees will be provided in electronic, paper, or mailing label form at a charge sufficient to recover the estimated costs of providing the data. Further information and a list of charges may be obtained by contacting the Department of Consumer Affairs, Office of Information Services at (916) 574-8004.
 - As provided in Business and Professions Code section 163, a charge of \$2.00 will be made to certify any document. This fee is in addition to copying costs.
10. A person who inspects records of the Board shall not destroy, mutilate, deface, alter or remove any such record or records from the location designated for inspection, but shall physically return these in the same condition as when received, upon either the completion of the inspection or upon verbal request of the Board.
11. In the event that any portion of these guidelines may be deemed at any time to conflict with any law or regulation, the law or regulation shall prevail.
12. A copy of these guidelines shall be posted in a conspicuous public place in the offices of the Board. A copy of these guidelines shall be made available free of charge to any person requesting them.

APPROVED:

ORIGINAL SIGNED
 Catherine Hayes, Executive Director
 Board of Chiropractic Examiners

May 1, 2006
 Date